

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

MICHAEL LYNN ARCHER,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Case No. CIV-05-536-M
	)	
RON WARD,	)	
	)	
Respondent.	)	

**ORDER**

On November 22, 2005, United States Magistrate Judge Doyle W. Argo issued a Report and Recommendation in this action brought pursuant to 28 U.S.C. § 2254, seeking a writ of habeas corpus. The Magistrate Judge recommended: (1) that the petition for writ of habeas corpus be denied; (2) that petitioner's motion for discovery and an evidentiary hearing be denied; (3) that petitioner's motion to receive filings be denied, and (4) that petitioner's motion for appointment of counsel be denied. Petitioner was advised of his right to object to the Report and Recommendation, and on December 29, 2005, petitioner filed his objection.


In his objection, petitioner contends that there is cause for the procedural default in this case and that the procedural default is not adequate in relation to Oklahoma inmates housed in a segregated housing unit or placed in the private prison system. Petitioner also asserts that he has presented evidence of his actual innocence. Further, petitioner contends that his sentences were illegally enhanced through the use of out-of-state convictions. Finally, petitioner objects to the Magistrate Judge's recommendation regarding his request for discovery and an evidentiary hearing and his motion for appointment of counsel. Having carefully reviewed petitioner's objection and the court file in this matter, the Court finds, for the reasons set forth in the Report and Recommendation, that petitioner's petition for writ of habeas corpus and related motions should be

denied.

Accordingly, upon de novo review, the Court:

- (1) ADOPTS the thorough and well-reasoned Report and Recommendation issued by the Magistrate Judge on November 22, 2005,
- (2) DENIES petitioner's motion for discovery and an evidentiary hearing [docket no. 26],
- (3) DENIES petitioner's motion to receive filings [docket no. 32],
- (4) DENIES petitioner's motion for appointment of counsel [docket no. 33],
- (5) DENIES petitioner's Petition for Writ of Habeas Corpus, and
- (6) ORDERS that judgment in favor of respondent issue forthwith.

**IT IS SO ORDERED this 31st day of January, 2006.**

  
VICKI MILES-LaGRANGE  
UNITED STATES DISTRICT JUDGE